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| 10/701,749      | 11/05/2003  | Von A. Mock          | CE11700JEM          | 6868             |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/701,749             | MOCK ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Willie J. Daniel, Jr.  | 2617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-22 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-22 and 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 30 March 2006. **Claims 1-10, 12-22, and 24-36** are now pending in the present application.

#### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 March 2006 has been entered.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 29-35** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claims 29-35** are drawn to a "...program product..." (descriptive material) *per se* and considered non-statutory subject matter.

- a. **Claims 29-35** recites the limitation "...**program product**..." as in line 1 of the claim 29.

The language of the claim(s) raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine

which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter.

(See MPEP § 2106.IV.B.1(a)). Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1, 15, 29, and 36** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. **Claim 1** recites the limitation "...without affecting the voice transmission capabilities of the device during the low power operating mode..." in lines 6-7 of the claim.

- b. **Claim 15** recites the limitation "...without affecting the voice transmission capabilities of the electronic device during the low power operating mode..." in lines 6-8 of the claim.
- c. **Claim 29** recites the limitation "...without affecting the voice transmission capabilities of the device during the low power operating mode..." in lines 6-7 of the claim.
- d. **Claim 36** recites the limitation "...without affecting the voice transmission capabilities of the device during the low power operating mode..." in lines 6-7 of the claim.

Regarding **claims 1, 15, 29, and 36**, the claims include a limitation that is not supported by the specification as originally filed. The applicant on pg. 13, 1<sup>st</sup> paragraph of remarks section states, "...pg. 6, lines 13-20; pg. 15, lines 1-22; pg. 21, lines 1-6; pg. 30, lines 12-13; and pg. 31, lines 16-22..." as support for the claimed limitation. The cited area does not mention or explicitly convey the newly amended claim language, but actually supports the opposite. The applicant is advised to review the subject matter of the specification (see pg. 15, lines 1-6), which states "...acceptable message **exchange** (For example, adjustment of the **Vocoding ratio**...". Therefore, adjusting the bit error rate (BER) to support an acceptable message exchange (i.e., transmit and receive) which further adjusts the vocoding (voice coding) ratio (e.g., vocoder). One of ordinary skill in the art would clearly recognize that by adjusting the BER and vocoding ratio affects the transmission capabilities. For example, by allowing more bit errors (e.g., degradation or noise) thereby increases the number of re-transmissions. The Examiner respectfully requests the applicant

Art Unit: 2617

to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

5. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

#### ***Claim Objections***

6. The objection applied to the claim is withdrawn, as the proposed claim correction is approved.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 13, 15-17, 26, 29, 33, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1).

Regarding **claim 1**, Hiben discloses a method for adjusting power consumption in a receiving device (106) which reads on the claimed “device” (see pg. 1, [0005, 0015]; Figs. 1, 7-8), the method comprising the steps of:

receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0015-0016]; Figs. 1, 7-8), where the receiving device (106) receives control messages to operate in low power decoding mode; and

adjusting, in response to receiving the command, at least operating mode of the device (106) so as to enter a low power operating mode without affecting the voice transmission capabilities of the device during the low power operating mode (see pg. 1, [0016]; Figs. 1-2, 7-8), where the receiving device switches to low power mode for decoding. Hiben does not specifically disclose having the feature in response to an emergency mode situation. However, the examiner maintains that the feature in response to an emergency mode situation was well known in the art, as taught by Bunton.

In the same field of endeavor, Bunton discloses the feature in response to an emergency mode situation (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature in response to an emergency mode situation, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

Regarding **claim 2**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 1), in addition Hiben further discloses a the method according to claim 1, wherein in the adjusting step, the at least one operating mode includes a

quality of service setting, a vocoding ratio, a BER threshold that initiates background scanning, a frequency of monitoring other communication networks, a definition of a function key, an operating mode of a display, a resolution of a display, a sensor, a CPU clock speed, or an alert time (see pg. 1, [0016]; pg. 2, [0024]; Figs. 1, 7-8).

Regarding **claim 3**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 1), in addition Hiben further discloses the method according to claim 1, further comprising the steps of:

receiving a second command to exit the low power mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode; and

adjusting, in response to receiving the second command, the at least one operating mode of the device (106) so as to exit the low power operating mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode.

Regarding **claim 13**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 1), in addition Hiben further discloses the method according to claim 1,

wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the method further comprises the step of determining if the receiver identification matches an identification associated with the device (see pg. 1, [0015]), where the receiving



devices receive control messages to adjust power in which the matching of receiver identification would be inherent.

Regarding **claim 15**, Hiben discloses a receiving device (106) which reads on the claimed “electronic device” (see pg. 1, [0005, 0015]; Figs. 1, 7-8), the method comprising the steps of:

a receiver (500) for receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1, 5, 7-8), where the receiving device (106) receives control messages to operate in low power decoding mode; and

a processor which reads on the claimed “mode controller” communicatively coupled to the receiver (500), the mode controller being capable of adjusting at least operating mode of the device (106) so as to enter a low power operating mode when the command is received by the receiver (500) without affecting the voice transmission capabilities of the electronic device during the low power operating mode (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1-2, 5, 7-8), where the receiving device can switch to low power decoding mode. Hiben does not specifically disclose having the feature in response to an emergency mode situation. However, the examiner maintains that the feature in response to an emergency mode situation was well known in the art, as taught by Bunton.

Bunton further discloses the feature in response to an emergency mode situation (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature in response to an emergency mode situation, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

Regarding **claim 16**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 15), in addition Hiben further discloses the electronic device (106) according to claim 8, wherein the at least one operating mode includes a quality of service setting, a vocoding ratio, a BER threshold that initiates background scanning, a frequency of monitoring other communication networks, a definition of a function key, an operating mode of a display, a resolution of a display, a sensor, a CPU clock speed, or an alert time (see pg. 1, [0016]; pg. 2, [0024]; Figs. 1, 7-8).

Regarding **claim 17**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 15), in addition Hiben further discloses the electronic device (106) according to claim 9, wherein the receiver (500) is further able to receive a second command to exit the low power mode (see pg. 1, [0016]; pg. 4, [0035]; Figs. 1, 5, 7-8), where the receiving device (106) switches from low power decoding mode to high power decoding mode; and

the mode controller (106, e.g., processor) is capable of adjusting the at least one operating mode of the device (106) so as to exit the low power operating mode when the second command is received by the receiver (500) (see pg. 1, [0016]; Figs. 1, 5, 7-8), where the

receiving device (106) can switch from low power decoding mode to high power decoding mode.

Regarding **claim 26**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 15), in addition Hiben further discloses the method according to claim 15,

wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the mode controller (106, e.g., processor) determines if the receiver identification matches an identification associated with the device (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the matching of receiver identification would be inherent.

Regarding **claim 29**, Hiben discloses a computer program product comprising computer programming instruction for performing the steps of:

receiving a control message which reads on the claimed “command” to enter a low power mode (see pg. 1, [0015-0016]; Figs. 1-2, 7-8), where the receiving device (106) receives control messages to operate in low power decoding mode; and

adjusting, in response to receiving the command, at least operating mode of the device (106) so as to enter a low power operating mode without affecting the voice transmission capabilities of the device during the low power operating mode (see pg. 1, [0016]; Figs. 1, 7-8), where the receiving device switches to low power mode for decoding. Hiben does not specifically disclose having the feature in response to an emergency mode situation.

However, the examiner maintains that the feature in response to an emergency mode situation was well known in the art, as taught by Bunton.

Bunton further discloses the feature in response to an emergency mode situation (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature in response to an emergency mode situation, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

Regarding **claim 33**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 29), in addition Hiben further discloses the method according to claim 29,

wherein the command includes a receiver identification (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the receiver identification would be inherent, and

the computer program product further comprises computer programming instructions for performing the step of determining if the receiver identification matches an identification associated with the device (see pg. 1, [0015]), where the receiving devices receive control messages to adjust power in which the matching of receiver identification and instructions would be inherent.

Regarding **claim 36**, Hiben discloses a method for controlling an electronic device, the method comprising the steps of:

receiving at least one of data and voice information from the device (see pg. 1, [0015-16]; pg. 2, [0017]; Figs. 1, 7-8); and

transmitting a message to the device (106), the message including a command instructing the device (106) to enter low power mode (see pg. 1, [0015-0016]; Figs. 1, 7-8), where the receiving device (106) switches to low power decoding mode.

without affecting the voice transmission capabilities of the device during the low power operating mode transmitting a message to the device (106), the message including a command instructing the device (106) to enter low power mode (see pg. 1, [0015-0016]; Figs. 1-2, 7-8), where the receiving device (106) switches to low power decoding mode. Hiben does not specifically disclose having the feature in response to an emergency mode situation; conserve power during the emergency mode situation. However, the examiner maintains that the feature in response to an emergency mode situation; conserve power during the emergency mode situation was well known in the art, as taught by Bunton.

Bunton further discloses the feature in response to an emergency mode situation (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations;

conserve power during the emergency mode situation (see pg. 9, [0136-0137]; Fig. 4), where the CS transmits a command to the MS that controls transmissions of the MS to minimize power consumptions in emergency situations such as search and rescue operations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature in response to an emergency mode situation; conserve power during the emergency mode situation, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

**Claims 4-5, 8, 18-19, 24 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1) as applied to claim 1 above, and further in view of Reichelt (US 6,427,072 B1).

Regarding **claim 4**, the combination of Hiben and Bunton fails to disclose having the feature the step of preventing a user from changing the at least one operation while the device is in the low power operating mode. However, the examiner maintains that the feature the step of preventing a user from changing the at least one operation while the device is in the low power operating mode was well known in the art, as taught by Reichelt.

In the same field of endeavor, Reichelt discloses the feature the step of preventing a user from changing the at least one operation while the mobile telephone which reads on the claimed “device” is in the low power operating mode (see col. 5, lines 41-52; col. 3, lines 60-64; Figs. 1, 2 “ref. 42”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature the step of preventing a user from changing the at least one operation while the device

is in the low power operating mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 5**, the combination of Hiben and Bunton does not specifically disclose having the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode. However, the examiner maintains that the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode (see col. 3, lines 60-64; Fig. 1 “ref. 30”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature the step of providing at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 8**, the combination of Hiben and Bunton does not specifically disclose having the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further comprising the step of continuing to operate the mobile telephone (10) which reads on the claimed “device” after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 18**, the combination of Hiben and Bunton does not specifically disclose having the feature wherein the mode controller prevents a user from changing the at least one operation while the device is in the low power operating mode. However, the examiner maintains that the feature wherein the mode controller prevents a user from



changing the at least one operation while the device is in the low power operating mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature wherein the mode controller (e.g., microcomputer 12) prevents a user from changing the at least one operation while the mobile telephone which reads on the claimed “device” is in the low power operating mode (see col. 5, lines 41-52; col. 3, lines 60-64; Figs. 1, 2 “ref. 42”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature wherein the mode controller prevents a user from changing the at least one operation while the device is in the low power operating mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 19**, the combination of Hiben and Bunton does not specifically disclose having the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode. However, the examiner maintains that the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode (see col. 3, lines 60-64; Fig. 1 “ref. 30”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature further comprising at least one status indicator for indicating at least one of an emergency situation and that the device is operating in the low power operation mode, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 24**, the combination of Hiben and Bunton does not specifically disclose having the feature wherein in the low power operating mode, the electronic device continues to operate after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature wherein in the low power operating mode, the electronic device continues to operate after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further wherein in the low power operating mode, the mobile telephone (10) which reads on the claimed “electronic device” after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature wherein in the low power operating mode, the electronic device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

Regarding **claim 31**, the combination of Hiben and Bunton does not specifically disclose having the feature further comprising computer programming instructions for performing the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold. However, the examiner maintains that the feature further comprising the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature further comprising computer programming instructions for performing the step of continuing to operate the mobile telephone (10) which reads on the claimed "device" after a battery energy level has fallen below a normal operating threshold (see col. 3, lines 50-64; col. 4, lines 62-67), where the user of the mobile telephone can operate using the emergency call reserve power which is below the normal operating power level in which the instructions would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the

feature further comprising computer programming instructions for performing the step of continuing to operate the device after a battery energy level has fallen below a normal operating threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10).

**Claims 6 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1) as applied to claim 1 above, and further in view of Simpson et al. (hereinafter Simpson) (US 2004/0121767 A1).

Regarding **claim 6**, Hiben discloses the feature wherein the command (e.g., control messages) (see pg. 1, 0015-0016). Also, Bunton discloses the feature wherein the command (see pg. 9, [00137]). The combination of Hiben and Bunton does not specifically disclose having the features an alert message that also includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator. However, the examiner maintains that the features an alert message that also includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator was well known in the art, as taught by Simpson.

In the same field of endeavor, Simpson discloses the features an alert message that also includes a hyperlinks which reads on the claimed “uniform resource locator” (see pg. 4, [0044, 0041]), where the messages includes hyperlinks, and

the method further comprises the step of presenting information associated with the uniform resource locator (see pg. 4, [0044]), where the message includes hyperlinks in which the presenting information would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Simpson to have the features an alert message that also includes a uniform resource locator, and the method further comprises the step of presenting information associated with the uniform resource locator, in order to provide users with the ability to determine the operating status of systems or subsystems, as taught by Simpson (see pg. 1, [0002], lines 18-19).

Regarding **claim 20**, Hiben discloses the feature wherein the command (e.g., control messages) (see pg. 1, 0015-0016). Also, Bunton discloses the feature wherein the command (see pg. 9, [00137]). The combination of Hiben and Bunton does not specifically disclose having the features an alert message that also includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator. However, the examiner maintains that the features an alert message that also includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator was well known in the art, as taught by Simpson.

Simpson further discloses the features an alert message that also includes a hyperlinks which reads on the claimed “uniform resource locator” (see pg. 4, [0044]), where the messages includes hyperlinks, and

the electronic device (118) further comprises a display for presenting information associated with the uniform resource locator (see pg. 4, [0044]; Fig. 1), where the message includes hyperlinks in which the presenting information would be inherent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Simpson to have the features an alert message that also includes a uniform resource locator, and the electronic device further comprises a display for presenting information associated with the uniform resource locator, in order to provide users with the ability to determine the operating status of systems or subsystems, as taught by Simpson (see pg. 1, [0002], lines 18-19).

**Claims 7, 12, 21, 25 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1) as applied to claim 1 above, and further in view of Alperovich et al. (hereinafter Alperovich) (US 6,385,469 B1).

Regarding **claim 7**, the combination of Hiben and Bunton does not specifically disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of

operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

In the same field of endeavor, Alperovich discloses the features presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2), where the user presented with a menu;

accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and placing the mobile station (20) which reads on the claimed "device" into the selected operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **claim 12**, the combination of Hiben and Bunton does not specifically disclose having the feature wherein the command to enter the low power mode is initiated by a user of the device. However, the examiner maintains that the feature wherein the command to enter the low power mode is initiated by a user of the device was well known in the art, as taught by Alperovich.

Alperovich further discloses the feature wherein the command to enter the low power mode is initiated by a user of the device (20) (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2), where the user can select the mode to extend the life of the battery.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Alperovich to have the feature wherein the command to enter the low power mode is initiated by a user of the device, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **claim 21**, the combination of Hiben and Bunton does not specifically disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

Alperovich further discloses the features  
presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2),  
where the user presented with a menu;  
accepting an input from the user that indicates a selected operating mode that is chosen  
from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and



placing the mobile station (20) which reads on the claimed “device” into the selected operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **claim 25**, the combination of Hiben and Bunton does not specifically disclose having the feature wherein the command to enter the low power mode is initiated by a user of the device. However, the examiner maintains that the feature wherein the command to enter the low power mode is initiated by a user of the device was well known in the art, as taught by Alperovich.

Alperovich further discloses the feature wherein the command to enter the low power mode is initiated by a user of the device (20) (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2), where the user can select the mode to extend the life of the battery.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Alperovich to have the feature wherein the command to enter the low power mode is initiated by a user of the device, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

Regarding **claim 30**, the combination of Hiben and Bunton does not specifically disclose having the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode. However, the examiner maintains that the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode was well known in the art, as taught by Alperovich.

Alperovich further discloses the features  
presenting a user with a plurality of operating modes (see col. 3, lines 31-38; Fig. 2),  
where the user presented with a menu;  
accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes (see col. 3, line 51 - col. 4, line 6; Fig. 2); and  
placing the mobile station (20) which reads on the claimed “device” into the selected operating mode (see col. 3, line 51 - col. 4, line 6; col. 4, lines 34-37; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Alperovich to have the features presenting a user with a plurality of operating modes; accepting an input from the user that indicates a selected operating mode that is chosen from the plurality of operating modes; and placing the device into the selected operating mode, in order to extend the life of a battery within a mobile station, while still allowing a mobile subscriber to use the MS, as taught by Alperovich (see col. 2, lines 29-32).

**Claims 9-10, 22, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1) as applied to claim 1 above, and further in view of Reichelt (US 6,427,072 B1) and Bigwood et al. (hereinafter Bigwood) (US 2002/0086718 A1).

Regarding **claim 9**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 1), in addition Hiben further discloses the method according to claim 1, further comprising the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. The combination of Hiben and Bunton does not specifically disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 "ref. 44").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The

combination of Hiben, Bunton, and Reichelt does not specifically disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted was well known in the art, as taught by Bigwood.

In the same field of endeavor, Bigwood discloses the features transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and providing an indication that the indication of the energy level has been transmitted (see pg. 3, [0043-0046]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **claim 10**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 1), in addition Hiben further discloses the method according to claim 1, further comprising the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016)), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. The combination of Hiben and Bunton does not specifically disclose having the

features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben, Bunton, and Reichelt does not specifically disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and

providing an indication of an estimated time of arrival (i.e., remaining battery life) of a replacement battery (see pg. 3, [0043-0047]; Fig. 2), where the fleet manager interrogates the database for battery capacities in which the estimated time of arrival would be inherent because the battery capacity indicates the remaining battery life for usage. Since the fleet manager is informed of the remaining battery life that results in the amount of time the device will be usable, the manager uses this time amount to provide remedial action to remove or replace the batteries.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **claim 22**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 15), in addition Hiben further discloses the method according to claim 15, further comprising the steps of:

means (100) for monitoring an energy level of a battery (see pg. 1, 0015-0016, 0004-0005]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring would be inherent. The combination of Hiben and Bunton does not specifically disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner

maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.

Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben, Bunton, and Reichelt does not specifically disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery was well known in the art, as taught by Bigwood.

Bigwood further discloses the features  
transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and  
providing an indication of an estimated time of arrival (i.e., remaining battery life) of a replacement battery (see pg. 3, [0043-0047]; Fig. 2), where the fleet manager interrogates the database for battery capacities in which the estimated time of arrival would be inherent

Art Unit: 2617

because the battery capacity indicates the remaining battery life for usage. Since the fleet manager is informed of the remaining battery life that results in the amount of time the device will be usable, the manager uses this time amount to provide remedial action to remove or replace the batteries.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and providing an indication of an estimated time of arrival of a replacement battery, in order to interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

Regarding **claim 32**, the combination of Hiben and Bunton discloses every limitation claimed, as applied above (see claim 29), in addition Hiben further discloses the method according to claim 29, further comprising computer programming instructions for performing the steps of:

monitoring an energy level of a battery (see pg. 1, 0015-0016]), where the device (106) switches modes to reduce power usage of the batteries in which the monitoring and instructions would be inherent. The combination of Hiben and Bunton fails to disclose having the features comparing the energy level to a threshold; transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the feature comparing the energy level to a threshold was well known in the art, as taught by Reichelt.



Reichelt further discloses the feature comparing the energy level to a threshold (see col. 4, line 58 - col. 5, line 17; col. 6, line 31-35; Fig. 2 “ref. 44”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, and Reichelt to have the feature comparing the energy level to a threshold, in order to have a reserve power allocation system with an emergency call capability protector which inhibits the making of non-emergency calls under certain preconditions and also allows for user function selection based on battery level and usage criteria, as taught by Reichelt (see col. 2, lines 1-10). The combination of Hiben, Bunton, and Reichelt does not specifically disclose having the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted. However, the examiner maintains that the features transmitting an indication of the energy level to a central controller; and providing an indication that the indication of the energy level has been transmitted was well known in the art, as taught by Bigwood.

Bigwood further discloses the features transmitting an indication of the energy level to a fleet controller (7) which reads on the claimed “central controller” (see pg. 3, [0041-0046]; Fig. 2); and

providing an indication that the indication of the energy level has been transmitted (see pg. 3, [0043-0046]; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben, Bunton, Reichelt, and Bigwood to have the features transmitting an indication of the energy level to a central controller; and

providing an indication that the indication of the energy level has been transmitted, in order interrogate each mobile radio unit via an over the air interface to automatically report various battery condition parameters, as taught by Bigwood (see pg. 3, [0048]).

**Claims 14, 27-28, and 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben et al. (hereinafter Hiben) (US 2002/0169008 A1) in view of Bunton et al. (hereinafter Bunton) (US 2004/0102219 A1) as applied to claims 14, 26, and 33 above, and further in view of well known prior art (**MPEP 2144.03**) which is hereby supported by Shapiro (US 5,705,980).

Regarding **claim 14**, Hiben teaches of wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device (see pg. 1, [0015-0016]; pg. 2, [0019]), the features would be inherent because a receiving device (106) receives controlling messages from the base station (104) to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]). The base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by the device being registered with a base station (104) or a component such as a GPS satellite providing relative location information. Hiben does not specifically disclose having the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description. However, the examiner maintains that the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description was well known in the art, as taught by Bunton.

Bunton further discloses the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description (e.g., mine) (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations (e.g., event) in which the MS (4) is in the location of a mine for the CS (2) and MS (4) to communicate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

Also, as further support to address the Examiner taking official notice of the fact that it was well known in the art to have the features wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device. Shapiro specifically discloses wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the device (see col. 2, lines 30-67; abstract; Figs. 1 and 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben and Bunton with Shapiro by specifically having the features wherein the receiver identification comprises a location description, and the determining step comprises comparing the location description to a current location of the

device, for the purpose of using a selective call transceiver to summon help to a distress condition, as taught by Shapiro (see col. 2, lines 2-9).

Regarding **claim 27**, Hiben teaches of wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device (see pg. 1, [0015-0016]; pg. 2, [0019]), where the features would be inherent because a receiving device (106) receives controlling messages from the base station (104) to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]). The base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by the device being registered with a base station (104) or a component such as a GPS satellite providing relative location information. Hiben does not specifically disclose having the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description. However, the examiner maintains that the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description was well known in the art, as taught by Bunton.

Bunton further discloses the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description (e.g., mine) (see pg. 9, [0136-0137]; Figs. 1-4), where the CS (2) transmits a command to the MS (4) that controls transmissions of the MS (4) to minimize power consumptions in emergency situations such as search and rescue operations (e.g., event) in which the MS (4) is in the location of a mine for the CS (2) and MS (4) to communicate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hiben and Bunton to have the feature wherein an event that causes the emergency mode situation at least partially occurs in the location description, in order to provide communications between parties without reliance on any connective infrastructure, as taught by Bunton (see [0001], [0002, lines 10-13]).

Also, as further support to address the Examiner taking official notice of the fact that it was well known in the art to have the features wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device. Shapiro specifically discloses wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device, for the purpose of communicating with the device according to the location of the device (see col. 2, lines 30-67; abstract; Figs. 1 and 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben and Bunton with Shapiro by specifically having the features wherein the receiver identification comprises a location description, and the mode controller compares the location description to a current location of the device, for the purpose of using a selective call transceiver to summon help to a distress condition, as taught by Shapiro (see col. 2, lines 2-9).

Regarding **claim 28**, the combination of Hiben and Bunton teaches of wherein the location description comprises a tower identification, a network identification, a zip code, an area code or a time zone (see pg. 1, [0015-0016]; pg. 2, [0019]), the features would be inherent because a receiving device (106) receives controlling messages from the base station

(104) to switch between low and high power (see pg. 1, [0015-0016]; pg. 2, [0019]). The base station (104) communicates with device (106) in the coverage area of the communication system (100) according to the location determined by the device being registered with a base station (104) or a component such as a GPS satellite providing relative location information.

Also, as further support to address the Examiner taking official notice of the fact that it was well known in the art to have the features wherein the location description comprises at a tower identification, a network identification, a zip code, an area code or a time zone, for the purpose of communicating with the device according to the location of the device. Shapiro specifically discloses wherein the location description comprises at a tower identification, a network identification, a zip code, an area code or a time zone, for the purpose of communicating with the device according to the location of the device, for the purpose of communicating with the device according to the location of the device (see col. 2, lines 30-67; abstract; Figs. 1 and 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hiben and Bunton with Shapiro by specifically having the features wherein the location description comprises at a tower identification, a network identification, a zip code, an area code or a time zone, for the purpose of using a selective call transceiver to summon help to a distress condition, as taught by Shapiro (see col. 2, lines 2-9).

Regarding **claims 34-35**, the claims are rejected for the same reasons as set forth above in the rejections of claim 27-28 respectively.

***Response to Arguments***

8. Applicant's arguments filed 30 March 2006 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor(s), Marsha D. Banks-Harold can be reached on (571) 272-7905 or Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

Art Unit: 2617

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
30 August 2006



ERIKA A. GARY  
PRIMARY EXAMINER